

60130-1987
03MRA0008**REMARKS**

Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art of Figures 1-4. The admitted prior art does not disclose a pad spring including a spring planar region that engages a pad retainer to define an engaging region of the spring planar region, and a lateral edge region of the engaging region adjacent to an outboard side of a brake caliper is rounded. The admitted prior art discloses a pad spring 24 including a central portion 48 that engages a pad retainer 26 at an engaging region of the pad spring 24 as claimed. A lateral edge region of the engaging region of the pad spring 24 adjacent to an outboard side of a brake caliper is not rounded as claimed. As shown in Figure 4 of the admitted prior art, the engaging portion of the pad spring 24 that engages the pad retainer 26 is substantially flat and does not include any lateral edge region that is rounded. The admitted prior art does not disclose the claimed invention, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 248 385. EP 0 248 385 does not disclose a pad spring including a spring planar region that engages a pad retainer to define an engaging region of the spring planar region, and a lateral edge region of the engaging region adjacent to an outboard side of a brake caliper is rounded. In EP 0 248 385, a leaf spring 76 engages a retainer 60 at an engaging region of the leaf spring 76. The engaging region of the leaf spring 76 does not include a lateral edge region that is rounded as claimed. As shown in Figures 5 and 6, projecting portions 86 of the leaf spring 76 is not the engaging region wherein the leaf spring 76 engages the retainer 60. EP 0 248 385 does not disclose the claimed invention, and Applicant respectfully requests that the rejection be withdrawn.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of Figures 1-4. The Examiner states that it would have been obvious to utilize various crook radii depending on the side of the brake assembly. Claims 10-12 depend on patentable independent claim 1 and are allowable the reasons stated above. The admitted prior art does not disclose, suggest or teach a pad spring including a spring planar region that engages a pad retainer to define an engaging region of the spring planar region, and a lateral edge region of the engaging region adjacent to an outboard side of a brake caliper is rounded as claimed. Adding the claimed radii to the admitted prior art would still not render the claims obvious because the admitted prior art does not disclose, suggest or teach a pad spring including a spring planar region that engages a pad retainer to define an engaging region of the spring planar region, and a lateral edge region of

60130-1987
03MRA0008

the engaging region adjacent to an outboard side of a brake caliper is rounded. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 4-8 and 13 are rejected under 35 U.S.C. (a) as being unpatentable over EP 0 703 378. The Examiner admits that EP 0 703 378 does not disclose a lateral edge region of a part of a spring planar region adjacent to an outboard side of a brake caliper is rounded as claimed. The Examiner takes official notice that it is well known to round the edges of sheet metal elements to remove sharp edges, and it would be obvious to round the edges of the pad spring 26 of EP 0 703 378 to reduce the sharpness of the edges and increase safety. Applicant respectfully disagrees.

The claimed invention is not obvious because there is no motivation to modify the pad spring 26 in the manner the Examiner contends. The claimed invention recites that the lateral edge region of the engaging region of the pad spring is rounded. The Examiner states that it would be obvious to round the edges of the pad spring 26 to reduce sharpness. Applicant is claiming that the lateral edge region of the pad spring is rounded, not that the edge of the pad spring is rounded. Even taking the Examiner's interpretation that the edge of the pad spring 26 can be rounded, there is no suggestion or motivation to round the lateral edge region of the pad spring 26 of EP 0 703 378. Therefore, the claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1 and 4-20 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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60130-1987
03MRA0008

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on August 29, 2005.


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